

BRIAN HIGGINS  
27TH DISTRICT, NEW YORK

COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON  
BORDER AND MARITIME SECURITY  
SUBCOMMITTEE ON COUNTERTERRORISM  
AND INTELLIGENCE

COMMITTEE ON FOREIGN AFFAIRS  
SUBCOMMITTEE ON THE  
MIDDLE EAST AND SOUTH ASIA  
SUBCOMMITTEE ON TERRORISM,  
NONPROLIFERATION AND TRADE

REVITALIZING OLDER CITIES  
TASK FORCE  
CO-CHAIR

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3227

0336

March 12, 2012

WASHINGTON OFFICE:  
2459 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3306  
(202) 226-0347 (FAX)

WESTERN NEW YORK OFFICES:  
LARKIN BUILDING  
726 EXCHANGE STREET  
SUITE 601  
BUFFALO, NY 14210  
(716) 852-3501  
(716) 852-3929 (FAX)

FENTON BUILDING  
2 EAST 2ND STREET  
SUITE 300  
JAMESTOWN, NY 14701  
(716) 484-0729  
(716) 484-1049 (FAX)  
higgins.house.gov

Chairman Julius Genachowski  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Chairman Genachowski,

I write to express my concerns with the recent partnership proposal between CellCo Partnership and Verizon Wireless. I would like to associate my comments with others in reference to Docket number 12-4 that the FCC is currently receiving public comments on. This merger represents an exciting opportunity to expand the Verizon FiOS network while creating new jobs and opportunities for great broadband access and cable coverage. My concern is that the benefits and opportunities are maximized for the residents of my district in the City of Buffalo.

Buffalo is the second largest city in New York and represents a dynamic economy that is integral to cross border trade with Canada. Despite having a thriving medical research community, a vibrant banking sector, and a strong manufacturing base, broadband and cable infrastructure has lagged in certain parts of the City of Buffalo. Verizon specifically has expanded its FiOS network to ten suburbs of the Buffalo area but has not built into our urban neighborhoods. This situation has created an unbalanced market for cable and broadband services in the City of Buffalo with little competition.

A merger between CellCo and Verizon could continue this trend rather than alleviate concerns. Verizon might have little incentive to compete with its new partner by building a vibrant FiOS network in the City of Buffalo. Lack of competition drives up prices and reduces the quality of service making it more and more difficult to take advantage of broadband and cable services.

The Internet has become a driving force in economic empowerment. It has provided services to small businesses, schools, hospitals and manufactures that have allowed them to succeed in an increasingly competitive global market. Broadband networks like Verizon FiOS provide high speed access to education tools, data, and market research necessary for all communities to diversify their economics and fit in to a global economy. It follows that denial of these services or monopolies on access create a situation that harms those communities that bear the brunt of limited competition.

Increased competition and access to these essential services should be promoted by our federal, state and local policies. When the private market places barriers to access or competition fails to produce outcomes that serve the greatest number of people we can only conclude that steps must be taken to alleviate those impediments. I ask that you thoroughly examine the potential impact of this merger on competition in the City of Buffalo while taking into account access to communities that are currently underserved.

Sincerely,

A handwritten signature in blue ink that reads "BRIAN HIGGINS". The signature is stylized with a large, sweeping initial "B" and a long, horizontal flourish extending to the right.

BRIAN HIGGINS  
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION

March 29, 2012

JULIUS GENACHOWSKI  
CHAIRMAN

The Honorable Brian Higgins  
U.S. House of Representatives  
2459 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Higgins:

Thank you for your letter expressing concerns about the proposed spectrum transfer between CellCo Partnership d/b/a Verizon Wireless, Cox Communications, and SpectrumCo, LLC. I value your views and will ensure that your letter is included in the record of this proceeding and considered as part of the Commission's review.

I can assure you that the Commission is undertaking a thorough, rigorous, and fact-based review of the proposed transaction, consistent with our statutory obligations under the Communications Act.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "JG", is written over the printed name Julius Genachowski.

Julius Genachowski